



Carlos Jackson
Executive Director

**COMMUNITY DEVELOPMENT COMMISSION
of the County of Los Angeles**

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Gloria Molina
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Michael D. Antonovich
Commissioners

June 12, 2007

Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**ORDINANCE DESCRIBING EXISTING EMINENT DOMAIN PROGRAMS AND
LIMITATIONS IN REDEVELOPMENT PROJECT AREAS (1, 2, 5)
(3 Vote)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that adoption of the attached ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) because it is not defined as a project under CEQA and does not have the potential for causing a significant effect on the environment.
2. Adopt the attached ordinance describing the Community Development Commission's program to acquire real property by eminent domain for the County's redevelopment project areas to satisfy the requirements of California Health and Safety Code section 33342.7.

PURPOSE /JUSTIFICATION OF RECOMMENDED ACTION:

On September 29, 2006, the Governor signed Senate Bill 53, which requires that the legislative body that adopted a redevelopment plan containing eminent domain authority before January 1, 2007, adopt an ordinance on or before July 1, 2007 containing a description of the agency's program to acquire real property by eminent domain. The Commission currently administers five redevelopment project areas for the County.

FISCAL IMPACT/FINANCING:

There is no impact on the County general fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

The Commission acts as the redevelopment agency for the County, administering five active redevelopment project areas. The recently enacted California Health and Safety Code section 33342.7 requires that your Board adopt an ordinance describing the Commission's programs and limitations on the use of eminent domain for redevelopment. An ordinance meeting this requirement has been approved as to form by County Counsel and is attached. The ordinance describes the Commission's existing eminent domain power; it does not expand or contract the Commission's power of eminent domain.

Of the County's five active redevelopment project areas, Willowbrook, East Rancho Dominguez, and Maravilla, do not have eminent domain authority. There are no plans at this time to reinstate eminent domain authority in those areas.

The West Altadena Redevelopment Project Area (West Altadena) and the Whiteside Redevelopment Project Area (Whiteside) currently have the power of eminent domain.

West Altadena's eminent domain authority expires on August 12, 2010, and, in accordance with Ordinance 98-0044 adopted by your Board on August 11, 1998, is to be used if necessary for effective ongoing implementation of developments planned under the West Altadena Redevelopment Plan to alleviate blight.

Whiteside's eminent domain authority, which was adopted by your Board on October 17, 2006 expires on November 17, 2018, and excludes properties on which any persons reside.

The Commission's program to acquire real property by eminent domain as part of a redevelopment project may only be changed by an amendment to the applicable redevelopment plan. The Commission's policy has always been to regard the use of eminent domain as a last resort, and the Commission has not completed an eminent domain transaction for redevelopment since the 1980s.

The Commission may only acquire property by eminent domain following compliance with all requirements of applicable law, including without limitation, compliance with all requirements pertaining to notice, hearing, and the payment of just compensation.

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ENVIRONMENTAL DOCUMENTATION:

The proposed activities are exempt from the National Environmental Policy Act (NEPA) pursuant to 24 Code of Federal Regulations, Part 58, Section 58.34 (a)(3), because they involve administrative activities that will not have a physical impact or result in any physical changes to the environment. The activities are also not subject to the provisions of CEQA pursuant to State CEQA Guidelines Sections 15060(c)(3) and 15378, because they are not defined as a project under CEQA and do not have the potential for causing a significant effect on the environment.

IMPACT ON CURRENT PROJECTS:

Approval of the ordinance will satisfy the requirements of California Health and Safety Code section 33342.7.

Respectfully submitted,


for CARLOS JACKSON
Executive Director

Attachment


ANALYSIS

This uncodified ordinance describes the program for the use of eminent domain set forth in the redevelopment plans for the County's existing redevelopment project areas.

This ordinance is being adopted to satisfy the requirements of California Health and Safety Code section 33342.7, which requires that the Board of Supervisors adopt an ordinance describing such program for the use of eminent domain on or before July 1, 2007.

This ordinance does not modify or expand upon the eminent domain authority for any redevelopment project area.

RAYMOND J. FORTNER, JR.
County Counsel

By 
BEHNAZ TASHAKORIAN
Senior Associate County Counsel
Property Division

BT:gjh

05/03/07 (requested)

05/11/07 (revised)

ORDINANCE NO. _____

An ordinance of the Board of Supervisors of the County of Los Angeles describing the program for the use of eminent domain set forth in the redevelopment plans for the County's existing redevelopment project areas.

WHEREAS, effective January 1, 2007, Senate Bill 53 added section 33342.7 to the California Health and Safety Code, pursuant to which legislative bodies that adopted a final redevelopment plan prior to January 1, 2007, are required to adopt an ordinance that describes the redevelopment agency's program to acquire real property by eminent domain on or before July 1, 2007; and

WHEREAS, Senate Bill 53 provides that following adoption of an ordinance describing the redevelopment agency's program to acquire real property by eminent domain, such program may only be modified through an amendment to the involved redevelopment plan; and

WHEREAS, the Community Development Commission of the County of Los Angeles ("Commission") is a redevelopment agency duly organized pursuant to Community Redevelopment Law (California Health and Safety Code section 33000 et seq.), and pursuant thereto has responsibility to implement redevelopment plans for the County of Los Angeles; and

WHEREAS, there are five existing redevelopment project areas within the County of Los Angeles; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 10661 on February 20, 1973, approving and adopting the redevelopment plan for the Maravilla

Project Area, which plan originally provided for the exercise of eminent domain within the project area, but for which project area the authority for the exercise of eminent domain expired on January 16, 1999; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 11585 on September 15, 1977, approving and adopting the redevelopment plan for the Willowbrook Neighborhood Development Program, which plan originally provided for the exercise of eminent domain within the project area, but for which project area the authority for the exercise of eminent domain expired on June 21, 2001; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 84-0113 on July 10, 1984, approving and adopting the redevelopment plan for the East Compton Community Redevelopment Project, which project area was subsequently renamed as the East Rancho Dominguez Community Redevelopment Project, which plan originally provided for the exercise of eminent domain within the project area, but for which project area the authority for the exercise of eminent domain expired on June 12, 1996; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 86-0136 on August 12, 1986, approving and adopting the redevelopment plan for the West Altadena Community Redevelopment Project, for which project area the authority to exercise eminent domain currently exists and will expire on August 12, 2010; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 2006-0075 on October 17, 2006, approving and adopting the redevelopment plan for the Whiteside

Redevelopment Project, for which project area the authority to exercise eminent domain currently exists and will expire on November 17, 2018.

NOW, THEREFORE, the Board of Supervisors of the County of Los Angeles hereby ordains as follows:

SECTION 1. The following is hereby adopted as the Commission's program to acquire real property by eminent domain within the two redevelopment project areas for which the authority to exercise eminent domain currently exists:

The redevelopment plan for the West Altadena Community Redevelopment Project authorizes the Commission to acquire real property by eminent domain, which authority expires on August 12, 2010. The Commission may only acquire property by eminent domain within the project area following compliance with all requirements of applicable law, including without limitation, compliance with all requirements pertaining to notice, hearing, and the payment of just compensation.

The redevelopment plan for the Whiteside Redevelopment Project authorizes the Commission to acquire real property by eminent domain, which authority expires on November 17, 2018. The redevelopment plan for the Whiteside Redevelopment Project does not permit the acquisition of any property upon which any person resides. Additionally, the Commission may only acquire property by eminent domain within the project area following compliance with all requirements of applicable law, including without limitation, compliance with all requirements pertaining to notice, hearings, and the payment of just compensation.